

THE HONORABLE J. RICHARD CREATURA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHEN BARTON,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY;
DISCOUNT INSURANCE QUOTES; and
JOHN DOES 1-10,

Defendants.

No. 3:22-cv-05260-JRC

**ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT
ALLSTATE INSURANCE COMPANY**

Defendant Allstate Insurance Company (“Allstate”) answers Plaintiff’s Original Complaint for a Civil Case and Injunctive Relief dated March 12, 2022, and asserts its affirmative defenses as follows:

I. INTRODUCTION

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the first three sentences of the Introduction, and on that basis denies them. The fourth sentence purports to quote an unknown source and to express the subjective views of Plaintiff and “Senator Hollings.” To the extent Plaintiff is quoting an ascertainable source, then

1 the source speaks for itself, and on that basis Allstate denies the allegation. Allstate denies the last
2 sentence of the Introduction.

3 **II. BASIS FOR JURISDICTION**

4 Allstate admits that jurisdiction is proper in this Court and denies all other allegations in
5 Section III.

6 **III. THE PARTIES TO THE LITIGATION**

7 Allstate admits that it is a Delaware corporation with its headquarters in Northbrook,
8 Illinois, and likewise admits that CT Corporation System is Allstate's registered agent for service
9 of process.

10 Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity
11 the remaining allegations in Section III, and on that basis denies them.

12 **IV. STATEMENT OF CLAIM**

13 Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity
14 of the allegations in the first five sentences of the Statement of Claim, and on that basis denies
15 them.

16 **Unsolicited Telemarketing Call #1**

17 Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity
18 of the allegations regarding this call, and on that basis denies them.

19 **Unsolicited Telemarketing Call #2**

20 Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity
21 of the allegations regarding this call, and on that basis denies them.

22 **Unsolicited Telemarketing Call #3**

23 Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity
24 of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #3

Allstate objects that this call appears to describe a different call than that alleged in the paragraph immediately above, but uses the same title (“Unsolicited Telemarketing Call #3”). Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #4

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #5 & 6

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding these calls, and on that basis denies them.

Unsolicited Telemarketing Call #7

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #8

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #9 & 10

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding these calls, and on that basis denies them.

Unsolicited Telemarketing Call #11

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #12

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #13

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #14

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #15

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #16

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #17

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #18

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #19

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #20

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #21

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Unsolicited Telemarketing Call #22

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Unsolicited Telemarketing Call #23

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Unsolicited Telemarketing Call #24

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Unsolicited Telemarketing Call #27

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Unsolicited Telemarketing Call #28

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Call #29

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Telemarketing Calls #29, 30 & 31

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding these calls, and on that basis denies them.

Unsolicited Telemarketing Call #32

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call and on that basis denies them.

Unsolicited Telemarketing Call #33

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call and on that basis denies them.

Unsolicited Discount Insurance Quote Telemarketing Call #34

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

Unsolicited Discount Insurance Quote Telemarketing Call #35

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding this call, and on that basis denies them.

These calls are annoying

Allstate lacks knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and on that basis denies them.

V. RELIEF

Federal Claims

TCPA 47 U.S.C. 227

Allstate denies these allegations.

Washington State Claims

RCW 80.36.390(2)

Allstate denies these allegations.

RCW 80.36.400

Allstate denies these allegations.

Treble Damages

Allstate denies these allegations.

Injunctive Relief

Allstate denies these allegations.

All Possible Damages

Allstate denies these allegations.

VI. AFFIRMATIVE DEFENSES

Allstate, having fully answered Plaintiffs' Complaint, hereby asserts the following affirmative defenses:

- A. Failure to state a claim upon which relief may be granted;
- B. Consent;
- C. Waiver;
- D. Unclean hands;
- E. Allstate reserves the right to assert other defenses and claims as additional facts in this matter are discovered.

1 DATED this 25th day of April, 2022.

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3 **CALFO EAKES LLP**

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